



93RD GENERAL ASSEMBLY
State of Illinois
2003 and 2004

Introduced 02/05/04, by Paul D. Froehlich, John A. Fritchey,
David E. Miller, Sidney H. Mathias, Rosemary Kurtz

SYNOPSIS AS INTRODUCED:

235 ILCS 5/6-16.2

Amends the Liquor Control Act of 1934. Provides that the provisions that prohibit a licensee from permitting a person who is under 21 years of age to enter and remain in the portion of the licensee's premises where alcoholic liquor is sold, given, or delivered and the provisions that prohibit persons under 21 years of age from entering licensed premises do not apply to persons who are at least 18 years of age under certain circumstances. Provides that a violation of those provisions by a person under 21 years of age or by a licensee is a Class A misdemeanor or, if a death occurs as a result of the violation, a Class 4 felony.

LRB093 16009 LRD 41633 b

CORRECTIONAL
BUDGET AND
IMPACT NOTE ACT
MAY APPLY

1 AN ACT in relation to alcoholic liquor.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Liquor Control Act of 1934 is amended by
5 changing Section 6-16.2 as follows:

6 (235 ILCS 5/6-16.2)

7 Sec. 6-16.2. Prohibited entry to a licensed premises. It is
8 unlawful for a licensee or any officer, associate, member,
9 representative, agent, or employee of a licensee to knowingly
10 permit ~~A municipality or county may prohibit a licensee or any~~
11 ~~officer, associate, member, representative, agent, or employee~~
12 ~~of a licensee from permitting~~ a person under the age of 21
13 years to enter and remain in that portion of a licensed
14 premises that sells, gives, or delivers alcoholic liquor for
15 consumption on the premises. It is unlawful for any person who
16 is under 21 years of age to knowingly enter and remain in that
17 portion of a licensed premises in which alcoholic liquor is
18 sold, given, or delivered for consumption on the premises. No
19 prohibition under this Section, however, shall apply to any
20 licensed premises, such as without limitation a restaurant or
21 food shop, where selling, giving, or delivering alcoholic
22 liquor is not the principal business of the licensee at those
23 premises.

24 This Section does not prohibit the presence of any person
25 who is at least 18 years of age in a licensed premises under
26 the following circumstances:

27 (1) If the person is accompanied by a parent, spouse,
28 or legal guardian who is at least 21 years of age, except
29 between the hours of 10:00 P.M. and 8:00 A.M.;

30 (2) If the person is a law enforcement officer or
31 security guard who is entering the premises in the
32 performance of his or her official duties;

1 (3) If the person is involved in the transporting or
2 providing of any goods or services to the establishment; or

3 (4) If the establishment is a restaurant and the
4 primary business of the establishment consists of the sale
5 of food and the sale of alcohol is incidental to the sale
6 of food.

7 In those instances where a person under the age of 21 years
8 is prohibited from entering and remaining on the premises,
9 proof that the defendant-licensee, or his or her employee or
10 agent, demanded, was shown, and reasonably relied upon adequate
11 written evidence for purposes of entering and remaining on the
12 licensed premises is an affirmative defense in any criminal
13 prosecution therefor or to any proceedings for the suspension
14 or revocation of any license based thereon. It shall not,
15 however, be an affirmative defense if the defendant-licensee
16 ~~defendant-licensee~~, or his agent or employee, accepted the
17 written evidence knowing it to be false or fraudulent.

18 Adequate written evidence of age and identity of the person
19 is a document issued by a federal, state, county, or municipal
20 government, or subdivision or agency thereof, including, but
21 not limited to, a motor vehicle operator's license, a
22 registration certificate issued under the Federal Selective
23 Service Act, or an identification card issued to a member of
24 the armed forces.

25 If a false or fraudulent Illinois driver's license or
26 Illinois identification card is presented by a person less than
27 21 years of age to a licensee or the licensee's agent or
28 employee for the purpose of obtaining entry and remaining on a
29 licensed premises, the law enforcement officer or agency
30 investigating the incident shall, upon the conviction of the
31 person who presented the fraudulent license or identification,
32 make a report of the matter to the Secretary of State on a form
33 provided by the Secretary of State.

34 If any person under the age of 21 violates the provisions
35 of this Section, he or she is guilty of a Class A misdemeanor
36 and the sentence shall include, but shall not be limited to, a

1 fine of not less than \$500. If any licensee violates the
2 provisions of this Section, he or she is guilty of a Class A
3 misdemeanor and the sentence shall include, but shall not be
4 limited to, a fine of not less than \$500 for a first offense
5 and not less than \$2,000 for a second or subsequent offense,
6 and the violation shall be grounds for suspension or revocation
7 of the licensee's license as provided under this Act. If any
8 person knowingly violates the provisions of this Section, he or
9 she is guilty of a Class 4 felony if a death occurs as the
10 result of the violation.

11 (Source: P.A. 90-617, eff. 7-10-98.)